

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LANYARD LEMONT BERRY,

No. C-12-2210 EMC (pr)

Petitioner,

v.

**ORDER DENYING CERTIFICATE OF
APPEALABILITY**

MAGGIE MILLER-STOUT,

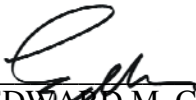
Respondent.

Petitioner has filed a notice of appeal, which the Court construes to also request a certificate of appealability. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c). This is not a case in which "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

The Clerk shall forward to the Court of Appeals the case file with this order. *See United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

Dated: June 11, 2012


EDWARD M. CHEN
United States District Judge